

REMARKS

Claims 1, 2, 4-10, 12-22, 24-27, and 29-36 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,445,904 to Middeke in view of U.S. Patent No. 6,754,908 to Medvinsky. This rejection is hereby respectfully traversed. Claims 20 and 25 have been amended to correct antecedent basis and as such the claims are not limited or restricted in any manner. Reconsideration of the outstanding rejection in the present application is also respectfully requested based on the following remarks.

Independent claims 1, 6, 20, 21, and 25 recite determining whether a network connection is functional, and independent claim 26 recites detecting that at least one communication link is at least partially inoperable. The Office asserts that Col. 6, lines 1-15 of Middeke discloses this feature. *Office Action*, p. 2, 5, and 7. Applicants respectfully disagree.

The cited portion of Middeke discloses monitoring an interface and receiving a service request at the interface:

In step 122, the microprocessor 62 monitors an interface to determine whether a service request has been received. The interface can be any means permitting the reception of a service request by the receiver 24. In the exemplary satellite receiver 24 of FIG. 2, the interface can include the front panel 72, which permits user-initiated requests, or alternatively, the satellite RF link via the antenna 34, which permits service center initiated requests. The front panel 72 can be monitored by polling the front panel interface 105 over the local bus 104 to determine whether a service request has been entered. The RF interface can be monitored via the transport IC 48. As will be discussed below, the transport IC 48 can provide incoming message packets to the microprocessor 62 via the local bus 104. These messages can include the special CAP containing the service request for diagnostic information.

Middeke, Col. 6, lines 1-15.

Because the service request can be a user-initiated request received at the front panel 72 of the receiver and not over the network connection, the above cited passage is not the same as, or equivalent to, determining whether a network connection is functional. Thus, Middeke fails to disclose or suggest determining whether a network connection is functional as provided by

claims 1, 6, 20, 21, and 25, or detecting that at least one communication link is at least partially inoperable as provided by claim 26. Medvinsky does not overcome the deficiencies of Middeke.

Additionally, independent claims 1 and 21 recite determining whether a first diagnostic agent is functional, in response to a determination that the network connection is functional. The Office asserts that Col. 6, lines 17-18 of Middeke discloses this feature. *Office Action*, p. 2 and 7. Applicants respectfully disagree.

The cited portion of Middeke discloses “[t]he microprocessor 62 can continuously monitor the interface until it detects a service request (step 124).” *Middeke*, Col. 6, lines 17-18. An interface of a media delivery device can receive a service request without the first diagnostic agent being functional to collect diagnostic data, because a request can be received at a device without any action resulting from the request. Thus, the microprocessor detecting a service request at the interface is not the same as determining that the first diagnostic agent of the media delivery device is functional. Therefore, Middeke also fails to disclose determining whether a first diagnostic agent is functional, as provided in claims 1 and 21. Medvinsky does not overcome the deficiencies of Middeke.

The remaining claims 2, 4, 5, 7-10, 12-19, 22, 24, 27, and 29-36 depend from claim 1, 6, 20, 21, 25, or 26 and thus Middeke in view of Medvinsky also fails to disclose or suggest each and every element of these claims at least by virtue of their dependency from claim 1, 6, 20, 21, 25, or 26. Moreover, these dependent claims recite additional novel features.

This application is believed to be in condition for allowance, and such action is respectfully requested. If the Examiner has any questions or comments, he is invited to telephone the undersigned. Applicants do not believe that additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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